

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

DEVANN DILLARD)	
)	
<i>Plaintiff,</i>)	
)	
v.)	
)	
THE CITY OF LYNCHBURG)	CASE NO.: <u>6:22CV00031</u>
)	
and)	
)	
JARROD COX)	
ELIJAH PHELPS)	
CAITLYN PRITCHARD)	
JAYMIE TURNER)	
SETH REED)	
JAVAZ WILLIAMS)	
GARY ABBOTT)	
KELSEY FILE)	
ALEX LUCY)	
TITUS BURGESS)	
LISA SINGLETON)	
<i>in their individual capacities</i>)	
)	
<i>Defendants.</i>)	

**JOINT MOTION TO CONTINUE THE TRIAL OF THIS ACTION
AND MODIFY THE PRETRIAL ORDER**

Plaintiff Devann Dillard and Defendants The City of Lynchburg, and Jarrod Cox, Elijah Phelps, Caitlyn Pritchard, Jaymie Turner, Seth Reed, Javaz Williams, Gary Abbott, Kelsey File, Alex Lucy, Titus Burgess, and Lisa Singleton (collectively, the “Parties”), by counsel, move the Court to continue the trial of this action from November 1-3, 2023 to available dates that are convenient for the Court in or after 2024 and to adjust the deadlines set in this Court’s Pretrial Order (Dkt. 11), including the discovery and dispositive motions deadlines, based on the new trial dates that are in or after 2024. In support thereof, the Parties state as follows:

1. Defendants The City of Lynchburg, Javaz Williams, Seth Reed, Titus Burgess, Alex Lucy, Caitlyn Pritchard, and Elijah Phelps filed a joint Motion to Dismiss the Plaintiff's Complaint on September 23, 2022 (Dkt. 21); Defendant Gary Abbott filed a Motion to Dismiss the Plaintiff's Complaint on October 5, 2022 (Dkt. 26); Defendant Kelsey File filed a Motion to Dismiss the Plaintiff's Complaint on October 20, 2022 (Dkt. 32); Defendant Jaymie Turner filed a Motion to Dismiss the Plaintiff's Complaint on October 26, 2022 (Dkt. 34); and Defendant Jarrod Cox filed a Motion to Dismiss the Plaintiff's Complaint on January 20, 2023 (Dkt. 41).

2. This Court heard argument of counsel concerning those Motions on July 20, 2023, and a ruling thereon remains pending at this time.

3. Under the current Pretrial Order, the deadline for dispositive motions in this case is August 18, 2023, and the deadline for the completion of discovery is August 23, 2023.

4. Continuing the trial in this matter until in or after 2024 and revising the Pretrial Order deadlines, including the discovery and dispositive motion deadlines, to conform to the new trial dates, is in the interest of justice and is judicially efficient because it will:

(a) enable the Parties to conduct important discovery and depositions after a ruling is rendered on the pending Motions to Dismiss that may affect the Parties' claims and defenses, and overall scope of the case, and;

(b) enable counsel to sufficiently prepare this case for dispositive motions and trial.

WHEREFORE, the Parties respectfully request that the Court continue the trial of this action from November 1-3, 2023 to available dates that are convenient for the Court in or after 2024 and adjust the deadlines set in this Court's Scheduling Order (Dkt. 11), including the

discovery and dispositive motions deadlines, based on the new trial dates that are in or after 2024.

<p><u>/s/ M. Paul Valois</u> M. Paul Valois (VSB # 72326) James River Legal Associates 7601 Timberlake Road Lynchburg, Virginia Phone: (434) 845-4529 Fax: (434) 845-8536 mvalois@vbclegal.com <i>Counsel for Plaintiff</i></p>	<p><u>/s/ Jim H. Guynn, Jr.</u> Jim H. Guynn, Jr. (VSB # 22299) John R. Fitzgerald (VSB # 98921) Guynn, Waddell, Carroll & Lockaby, P.C. 415 S. College Avenue Salem, Virginia 24153 Phone: 540-387-2320 Fax: 540-389-2350 jimg@guynnwaddell.com johnf@guynnwaddell.com <i>Counsel for Defendants</i></p>
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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of August, 2023, a copy of the foregoing was filed on the Court's CM/ECF system which will send notice to all counsel of record.

/s/ M. Paul Valois